

06/23/2006 16:18 FAX

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JUN 23 2006

PATENT

Attorney's Docket No. 046562/297703

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Frasca et al.
Appl No.: 10/549,829 Confirmation No.: 1682
Filed: September 20, 2005 Group Art Unit: To Be Assigned
For: METHODS FOR PAIN USING SMOOTH MUSCLE MODULATORS AND
 $\alpha_2\delta$ SUBUNIT CALCIUM CHANNEL MODULATORS

June 23, 2006

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

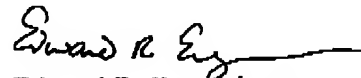
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

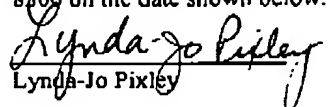
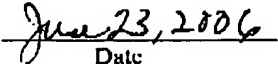
In response to the Notice to File Missing Parts of Application dated May 11, 2006, enclosed are the following:

- ☒ Part 2 of Formalities Letter (Notice to File Missing Parts of Application)
☒ Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventor(s)
☐ Declaration of Inventors which has been executed by the named inventor(s) and an Assignee Power of Attorney
☒ Applicant claims small entity status
☐ Check in the amount of \$0 to cover the surcharge under 37 C.F.R. § 1.16(f)
☐ English Translation and \$130.00 (37 CFR 1.17(i)) fee for filing late.
☐ Other:
☒ Any deficiency, additional fee, or credit may be charged to our Deposit Account No. 16-0605.

06/30/2006 ATRAN1 00000157 160605 10549829
01 FC:1631 300.00 DA

Respectfully submitted,


Edward R. Ergenzinger
Registration No. 47,549

Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at facsimile number (571) 273-8300 on the date shown below.  Lynda-Jo Pixley  Date June 23, 2006
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LEGAL.02/30000857v1

JUN 23 2006

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ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

TELECOPY**PLEASE DELIVER AS SOON AS POSSIBLE****Date:**

June 23, 2006

Recipient:**Company:**

USPTO

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Voice Number:**Sender:**

Edward R. Ergenzinger, Reg. No.
47,549

Message:

In re: Fraser et al.

Appl No.: 10/549,829

Confirmation No.: 1682

Filed: September 20, 2005

Group Art Unit: To Be Assigned

For: METHODS FOR PAIN USING SMOOTH MUSCLE MODULATORS AND
 $\alpha_2\delta$ SUBUNIT CALCIUM CHANNEL MODULATORS

Documents Attached: Response to Notice to File Missing Parts (1 pg); Declaration (3 pgs);
Copy of Notice of Missing Requirements (2 pgs)

Number of Pages: (including cover page)

7

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 919-862-2221.

USER CODE:	ERGEL	REQUESTED BY:	Lynda, 2233
CLIENT/MATTER:	046562/297703	OPERATOR:	

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U.S. APPLICATION NUMBER NO. 10/549,829	FIRST NAMED APPLICANT Matthew Oliver Fraser	ATTY. DOCKET NO. 046562/297703
INTERNATIONAL APPLICATION NO. PCT/US04/08700		
I.A. FILING DATE 03/22/2004	PRIORITY DATE 03/21/2003	

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 1682

371 FORMALITIES LETTER

100000000018707532
"OC000000018707532"

Date Mailed: 05/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/20/2005
- Copy of the International Search Report filed on 09/20/2005
- Copy of IPE Report filed on 09/20/2005
- Copy of Annexes to the IPE filed on 09/20/2005
- Copy of Article 19 Amendments filed on 09/20/2005
- Information Disclosure Statements filed on 09/20/2005
- Request for Immediate Examination filed on 09/20/2005
- U.S. Basic National Fees filed on 09/20/2005
- Priority Documents filed on 09/20/2005
- Specification filed on 09/20/2005
- Claims filed on 09/20/2005
- Abstracts filed on 09/20/2005
- Drawings filed on 09/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.492(h).

ALSTON & BIRD
RTA

By	10/11/06
Date	5/11/06

must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

Additionally the following defects have been observed:

- Article 19 amendments have not been entered because the amendments have been replaced by the Article 34 annexes.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,829	PCT/US04/08700	046562/297703

FORM PCT/DO/EO/905 (371 Formalities Notice)